

MINUTES DRAFT
Of the November 12th 2008
Woods Bay/Bigfork 440 Working Group
Held at 8:30am Saddlehorn Office, Bigfork

Mr. Darrow called the meeting to order with the following members present:
George Darrow, Jim Frizzell, Clarice Ryan, Kevin Gownley, Tracy Reiling, Paul Rana, Anne Moren (DNRC), Greg Poncin (DNRC), Steve Brady (USFS),

Absent: Dave Landstrom (MFWP), Kitty Rich, Donna Lawson, Dan Vincent

George called the meeting to Order.

Minutes of the October 22nd meeting were reviewed and approved, on a motion made by Clarice Ryan and seconded by Steve Brady.

George then handed out a packet of information to everyone concerning Potential Modifications to the Proposed Canada Lynx Critical Habitat, of which the 440 is apart. At the hearing held in Kalispell, George gave testimony in support of the habitat. Loggers and other opponents concerned about prohibited activities were assured modifications could be made.

Greg wanted to see if anyone had any questions or any follow-up to the tools reviewed at the last meeting. Because so many of the tools involved the issue of access, Kevin wanted to know how that would be addressed. Jim reminded that the attractiveness of valuing the property with access will be seen by a conservation buyer.

Again it was reiterated that many combinations of tools may be used to meet our goals. Meeting all of the goals is the mission of the group. Each idea or tool we decide to pursue, must meet with each of the 7 goals. If it does not – it will not go forward, and new options must be looked at.

Kevin thought we should make provisions for a vice-chair in the event George is absent. He made a motion to appoint Jim Frizzel as the vice-chair. Clarice seconded and the motion passed.

Kevin then informed that he is in contact with Mike Meuller of the Rocky Mtn Elk Foundation. Although they have not been able to have a detailed conversation; Mike has a very busy travel schedule, he expressed interest and will be getting together with Kevin in the next week or two. By our next meeting Kevin should have more to report. Kevin then asked if this would fall under the Conservation Buyer.

Greg explained the elk foundation is involved in a three-party exchange in the Lost Trail project. The Foundation through donations is able to purchase land for Plum Creek then exchange with the USFWP. This could be done with DNRC and the 440.

MEPA would still need to be done but could avoid the NEPA which is the most costly.

If the 440 is purchased out right by a private owner, could the 7 goals be achieved? Yes, this could be done by giving easements in the sale. The issue of hunting was brought up and it was stated by Greg that the DNRC cannot close hunting on their properties, but there are rules that prohibit the discharge of firearms on state land within ¼ mile of a residence.

Paul wondered if Dan Vincent ever reported back about checking with the Montana Trust for Public Lands. We have not heard anything and Dan is absent.

Jim wanted to know if there are things we need to be doing in the short term to initiate results for a long term action. The issues of fuel reduction (fire hazard) and motorized use came to mind.

These might be best worked through in smaller committees and brought back to the 440 group.

George proposed that Jim Frizzel Chair the Fuel Reduction Sub-Committee. Kevin said that the neighbors are interested in the prevention of fires in the 440 and would be open to working with DNRC and logging operator to achieve this goal. He wanted it noted that 20 years ago the road now being called the access point was only a single lane foot and bike path. With the onset of motorized vehicles it shaped into a 4-wheeler trail and then because of the double track, trucks were also brought up. Thus what you see today and perceive as a road.

Discussion of different types of logging practices and access issues continued until Kevin made clear he needs something written he can take to the entire neighborhood group for a vote before any decisions can be made. Greg will work on something Kevin can use.

At this time Linda Smith, Head of the Lands Department for the USFS, joined us for a presentation outlining the procedures of Land Exchanges with their agency. Attached to these minutes is the "64 Steps of a Land Exchange" handout (attached). Of the most important things to note on the Land Exchange option is the incredible amount of time they take and the amount of money. Often becoming very high profile; because of the need for an Environmental Assessment, by opening the door for any groups who would be against the effort.

Another tricky stipulation is the values of the properties to be exchanged must be within 25% of each other. That percentage must be made up with actual dollars from the lesser value trader.

The last transaction completed by USFS was an exchange for opening a Green Box (Waste Station) Station in Coram. This was a non-confrontational exchange with only 3 acres in question. It took 2 years. Another stipulation is that the exchange must be done in the public interest.

Steve believes, depending on the lands the forest service gave up, an exchange with the DNRC of the 440 may or may not trigger a degree of controversy. That would depend on the resource issues within the Forest Service parcels to be exchanged, and on the perspectives of adjacent land owners (if the parcels adjoined private land) Again depending on the lands selected, it may be possible to show public benefit. Other options that keep the land from being extensively developed while still providing for public access would be seen as fine solutions and the Forest Service would likely view them as preferable to actually owning (and having to administer) more urban interface. He also reminded us that his interest in the issues stemmed from the possibility of the 440 being sold as development property and this continues to be the basis for the Forest Service willingness to consider land exchange as an option..

Costs run very high and all costs fall below their government funding level. This means that the costs of the exchange all fall to the trading partner, in our case the DNRC. The costs of the assessments can run to \$50,000.

The next hurdle is the process of appraisals. DNRC must approve the appraisers.

Because this was one of our first and, at the time, seemed to be logical choices, Jim Frizzel made a motion that we at least attempt to identify a couple of parcels that might meet the criteria for an exchange. Steve had two in mind. section 23 in the Swan and section 35 in the Stillwater Range.

Before our next meeting Steve and Greg will get together and try determining if either of these might be a valid choice worth pursuing. Linda reminded us that if navigable water exists on either property, so must it be with the other. One more issue for Steve and Greg to consider. Jim will also be contacted to participate in any conferencing for this matter.

The meeting was adjourned. The next meeting is scheduled for December 4th 8:30 am, at Saddlehorn.

EXHIBIT C

IMPLEMENTATION SCHEDULE Land-for-Land Exchange

Case Name: Action Item Feasibility Analysis (Items 1-9)	Responsible for Preparation	Responsible for Costs	Target Date
1. Exchange Proposal	Non-Fed/FS		
2. Forest Plan Compliance Review/Public Benefits			
3. Provide Title Insurance Commitment		Non-Fed	
4. Boundary Management Review	Forest Surveyor		
5. Federal Land Status Report			
6.*Water Rights Analysis	Hydro/ Appraiser		
7. Valuation Consultation	Appraiser		
8. Identify party responsible for costs			
9. Draft ATI & Exhibits			
10.**Team Review (FA & Draft ATI)	NLAT		
11.Execute Agreement to Initiate (ATI)	Non-Fed/ SO/RO		
12.*Request BLM Serialization/Segregation			
13. Prepare Notice of Publication/Posting			
14. Notify County Commissioners, State Clearinghouse, Congressional Delegations, Tribal Governments, and other Agencies			
15. Submit Notice of Publication for 30 day Appropriation Committee Review			
16.*Notify Permittees			
17. 4-Week Publication Period, including wetlands and floodplains information			
18. Initiate Public Scoping			
19.*Request Land Survey (BLM/Forest Service)			
20.*Request Withdrawal Revocation(s)			
21.*Request Minerals Report			
22. Request Appraisal			
23. Finalize Appraisals			
24. Obtain SHPO Concurrence			
25. Prepare TES Report/Consultation			
26. Prepare Wetlands/Floodplains Report			
27. Prepare Hazardous Substances Evaluation			

Case Name: Action Item Feasibility Analysis (Items 1-9)	Responsible for Preparation	Responsible for Costs	Target Date
28. Analyze Effects on Cost Share Agreements			
29. Prepare appropriate NEPA documentation			
30.*Request BLM Concurrence on Minerals			
31.*NEPA Comment Period			
32. Appraisal Review	Appraiser		
33. Certificate of Possession			
34. Certificate of Use and Consent			
35.*Agreement on Values			
36.*Finalize NEPA Document			
37. Draft Exchange Agreement (optional)			
38.**Team Review (NEPA document & supporting documents, draft decision, appraisals and reviews, draft exchange agreement, administrative review report, and initial file material)	NLAT		
39. Concurrence by WO Director of Lands			
40. Issue Decision			
41. Publish Decision			
42.*Appeal Period			
43. Execute Exchange Agreement			
44. Prepare 5400-10 (Digest)			
45.*Submit to WO for Congressional Oversight			
46. Record Exchange Agreement and Update Title Commitments (optional)			
47.*Prepare/Obtain Easements / Relinquishments for Special Use Permits			
48. Prepare Deed to Non-Federal Land; Patent Request/Exchange Deed to Federal Land			
49. Request Preliminary Title Opinion			
50. Provide Preliminary Title Opinion	OGC		
51. Supplemental Certificate of Possession			
52.*Execute Easements/Relinquishment			
53. Execute Deeds to Non-Federal Land			
54. Deliver Deeds &/or Patent			
55. Record Patent and All Deeds &/or Patent			
56. Return Deeds to Non-Federal Land with Title Insurance Policy	Non-Fed		
57. Final Certificate of Use and Consent			
58. Return copies of recorded Patent /or Deeds to RO			
59. Submit final 5400-10 (Digest) to WO			

Case Name: Action Item Feasibility Analysis (Items 1-9)	Responsible for Preparation	Responsible for Costs	Target Date
60. Request Final Title Opinion			
61. Provide Final Title Opinion	OGC		
62. Provide Water Rights Info for Filings			
63. Post Status			
64. Close Case			

* If applicable/if needed

**Generally applies to ALL cases above \$500,000 in Federal value. Regions may request Team to review cases under \$500,000 in value.

NLAT=National Land Adjustments Team

1/12/99